

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:
Case No. 18-op-45090

THE COUNTY OF SUMMIT, OHIO;
SUMMIT COUNTY PUBLIC HEALTH; THE
CITY OF AKRON; THE CITY OF
BARBERTON; THE VILLAGE OF BOSTON
HEIGHTS; BOSTON TOWNSHIP; THE
VILLAGE OF CLINTON; CPLEY
TOWNSHIP; COVENTRY TOWNSHIP; THE
CITY OF CUYAHOGA FALLS; THE CITY
OF FAIRLAWN; THE CITY OF GREEN;
THE VILLAGE OF LAKEMORE; THE
VILLAGE OF MOGADORE; THE CITY OF
MUNROE FALLS; THE CITY OF NEW
FRANKLIN; THE CITY OF NORTON; THE
VILLAGE OF PENINSULA; THE VILLAGE
OF RICHFIELD; THE VILLAGE OF
SILVER LAKE; SPRINGFIELD TOWNSHIP;
THE CITY OF STOW; THE CITY OF
TALLMADGE; VALLEY FIRE DISTRICT;
STATE OF OHIO EX REL., PROSECUTING
ATTORNEY FOR SUMMIT COUNTY,
SHERRI BEVAN WALSH, THE DIRECTOR
OF LAW FOR THE CITY OF AKRON, EVE
BELFANCE, THE DIRECTOR OF LAW
FOR THE CITY OF BARBERTON, LISA
MILLER, THE DIRECTOR OF LAW FOR
THE CITY OF TALLMADGE, MEGAN
RABER; THE LAW DIRECTOR FOR THE
CITY OF CUYAHOGA FALLS, RUSS
BALTHIS, THE LAW DIRECTOR FOR THE
CITY OF FAIRLAWN, BRYAN NACE, THE
LAW DIRECTOR FOR THE CITY OF
GREEN, INTERIM LAW DIRECTOR BILL
CHRIS, THE LAW DIRECTOR FOR THE
CITY OF MOGADORE, MARSHAL M.
PITCHFORD, THE LAW DIRECTOR FOR
THE CITY OF MUNROE FALLS, TOM

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**[PROPOSED] ORDER GRANTING
MOTION OF CERTAIN PLAINTIFFS
FOR VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

KOSTOFF, THE LAW DIRECTOR FOR THE CITY OF NEW FRANKLIN, THOMAS MUSARRA, THE LAW DIRECTOR FOR THE CITY OF NORTON, JUSTIN MARKEY; THE LAW DIRECTOR FOR THE CITY OF STOW, AMBER ZIBRITOSKY; THE VILLAGE SOLICITOR FOR THE VILLAGE OF BOSTON HEIGHTS, MARSHAL PITCHFORD, THE SOLICITOR FOR BOSTON TOWNSHIP, ED PULLEKINS, SOLICITOR FOR THE VILLAGE OF CLINTON, MARSHAL PITCHFORD, THE LAW SOLICITOR FOR COPLEY TOWNSHIP, IRV SUGARMAN, THE LAW SOLICITOR FOR COVENTRY TOWNSHIP, IRV SUGARMAN, THE LAW SOLICITOR FOR THE VILLAGE OF LAKEMORE, IRV SUGARMAN, THE SOLICITOR FOR THE VILLAGE OF PENINSULA, BRAD BRYAN, THE LAW SOLICITOR FOR THE VILLAGE OF RICHFIELD, WILLIAM HANNA, THE SOLICITOR THE VILLAGE OF SILVER LAKE, BOB HEYDORN, AND THE ADMINISTRATOR & LEGAL COUNSEL FOR SPRINGFIELD TOWNSHIP, WARREN PRICE,

Plaintiffs,

vs.

PURDUE PHARMA, L.P.; PURDUE PHARMA, INC.; THE PURDUE FREDERICK COMPANY, INC.; ENDO HEALTH SOLUTIONS INC.; ENDO PHARMACEUTICALS, INC.; PAR PHARMACEUTICAL, INC.; PAR PHARMACEUTICAL COMPANIES, INC. F/K/A PAR PHARMACEUTICAL HOLDINGS, INC.; JANSSEN PHARMACEUTICALS, INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; / JANSSEN PHARMACEUTICA, INC. N/K/A JANSSEN

PHARMACEUTICALS, INC.; JOHNSON & JOHNSON; NORAMCO, INC.; TEVA PHARMACEUTICAL INDUSTRIES, LTD.; TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; ALLERGAN PLC F/K/A ACTAVIS PLC; ALLERGAN FINANCE LLC, F/K/A/ ACTAVIS, INC., F/K/A WATSON PHARMACEUTICALS, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. F/K/A WATSON PHARMA, INC; INSYS THERAPEUTICS, INC., MALLINCKRODT PLC; MALLINCKRODT LLC; SPECGX LLC, AMERISOURCEBERGEN DRUG CORPORATION; ANDA, INC.; CARDINAL HEALTH, INC.; CVS HEALTH CORPORATION; DISCOUNT DRUG MART, INC.; HBC SERVICE COMPANY; HENRY SCHEIN, INC.; HENRY SCHEIN MEDICAL SYSTEMS, INC.; MCKESSON CORPORATION; MIAMI-LUKEN, INC.; PRESCRIPTION SUPPLY, INC.; RITE AID CORPORATION.; RITE AID OF MARYLAND, INC.; D/B/A RITE-AID MID-ATLANTIC CUSTOMER SUPPORT CENTER, INC; WALGREENS BOOTS ALLIANCE, INC. A/K/A WALGREEN CO., AND WALMART INC. F/K/A WAL-MART STORES, INC.,

Defendants.

Plaintiffs Summit County Public Health, the City of Barberton, the Village of Boston Heights, Boston Township, the Village of Clinton, Copley Township, Coventry Township, the City of Cuyahoga Falls, the City of Fairlawn, the City of Green, the Village of Lakemore, the Village of Mogadore, the City of Munroe Falls, the City of New Franklin, the City of Norton, the Village of Peninsula, the Village of Richfield, the Village of Silver Lake, Springfield Township, the City of Stow, the City of Tallmadge, and Valley Fire District, as well as, for purposes of the

statutory public nuisance claim, the State of Ohio to the extent the claim is asserted by the chief legal officers of the foregoing entities acting in their official capacity (collectively, the “Moving Plaintiffs”), have moved pursuant to Federal Rule of Civil Procedure 41(a)(2), for voluntary dismissal of their claims, without prejudice and with leave to refile a separate complaint within 30 days, which complaint shall relate back for all purposes to the date of the original filing of the above-captioned action.

For the reasons set forth in the Motion, and for good cause shown, the Motion is **hereby GRANTED.**

The Moving Plaintiffs shall be severed from this action and upon severance, deemed dismissed without prejudice from the above-captioned case. The Moving Plaintiffs shall have thirty (30) days from the date of this Order to file a new complaint, which complaint shall relate back, for all purposes, to the date of the original complaint in the above-captioned action.

Nothing in this Order shall affect the rights of Plaintiffs the County of Summit, Ohio, the City of Akron, Ohio, and the State of Ohio, *ex rel.*, Prosecuting Attorney for Summit County, Sherri Bevan Walsh and the Director of Law for the City of Akron, Eve Belfance in pursuing their claims through this action.

IT IS SO ORDERED.

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

Dated: May __, 2018